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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THEODORE JACK LONDON SHRADER
and
UMESH GOPALDAS KHATWANI

Appeal 2009-007114
Application 09/578,751
Technology Center 3600

Before: MURRIEL E. CRAWFORD, ANTON W. FETTING, and BIBHU
R. MOHANTY, *Administrative Patent Judges.*

CRAWFORD, *Administrative Patent Judge.*

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

This is an appeal from the final rejection of claims 1-14. We have jurisdiction to review the case under 35 U.S.C. §§ 134 and 6 (2002).

The claimed invention is directed to systems and methods that provide a client-side computer program that allows users and businesses to collect and manage product price information retrieved from web sites on the Internet (Spec. 1:5-10). Claim 1, reproduced below, is further illustrative of the claimed subject matter.

1. A method in a client computer for collecting product data, comprising the computer implemented steps of:
generating, at the client computer, a profile identifying a given site URL, an item to be queried, and a scan interval;
on a periodic basis as defined by the scan interval,
retrieving data from the given site URL to the client computer;
parsing, at the client computer, the retrieved data according to a site template; and generating a data record at the client computer including an item name and an associated price value.

The references of record relied upon by the Examiner as evidence of obviousness are:

Bailey US 6,785,671 B1 Aug. 31, 2004

Streetprices.com, www.streetprices.com (last visited Jan. 25, 1999) (hereinafter “Streetprices.com”).

Nathan J. Muller, *Desktop Encyclopedia of the Internet*, 1-559 (1999) (hereinafter “Muller”).

Preston Gralla, *How the Internet Works, Millennium Edition*, 1-324 (1999) (hereinafter “Gralla”).

Claims 1-14 stand rejected under 35 U.S.C. § 102(e) as anticipated by Streetprices.com; or alternatively, claims 1-14 stand rejected under 35 U.S.C. § 103(a) as obvious over Streetprices.com in view of Bailey, Muller, and Gralla².

We AFFIRM.

ISSUE

Did the Examiner err in asserting that a combination of Streetprices.com, Bailey, Muller, and Gralla renders obvious the subject matter of claims 1-14?

FINDINGS OF FACT

Streetprices.com

Streetprices.com discloses a website for finding prices of goods on the Internet.

² The rejection of claims 1-9 under 35 U.S.C. § 103(a) was withdrawn (Exam'r's Ans. 11).

1/25/99

StreetPrices.com
Shipping out the best consumer prices on the web. Index updated hourly.

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- Palm P105 128B
- Palm P105 64B
- Palm P105 32B
- Palm P105 16B
- Palm P105 8B
- Palm P105 4B
- Palm P105 2B
- Palm P105 1B

Generic Memory

Keyword	Size
PC 100	16MB 32MB 64MB 128MB 256MB
DIMM	16MB 32MB 64MB 128MB 256MB
SDRAM	16MB 32MB 64MB 128MB 256MB
10ns	16MB 32MB 64MB 128MB 256MB
SIMM	16MB 32MB 64MB 128MB 256MB
EDO	16MB 32MB 64MB 128MB 256MB
60ns	16MB 32MB 64MB 128MB 256MB
70ns	16MB 32MB 64MB 128MB 256MB
All	16MB 32MB 64MB 128MB 256MB

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Streetprices.com discloses “[s]niffing out the best consumer prices on the web. Index updated hourly.

ANALYSIS

We are not persuaded that the Examiner erred in asserting that a combination of Streetprices.com, Bailey, Muller, and Gralla renders obvious the subject matter of claims 1-14 (App. Br. 15). Appellant asserts that Streetprices.com is run on a server while independent claim 1 recites a client computer (App. Br. 12-14). However, a server is a client computer for a particular user, for example, the server’s administrator, under a broadest reasonable interpretation. *See In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004).

Appellant asserts that Streetprices.com does not retrieve product data from a given site URL (App. Br. 14). However, as Streetprices.com is a website and has a function of “[s]niffing out the best consumer prices on the web,” the product data is necessarily retrieved from websites via URLs.

Appellant asserts that Streetprices.com does not collect prices periodically (App. Br. 15). However, Streetprices.com discloses an “[i]ndex updated hourly.”

Appellant asserts that Streetprices.com does not disclose that a user can specify a particular site template from multiple site templates in the product profile, as recited in independent claim 10 (App. Br. 15). However, independent claim 10 only recites that the product profile includes a site template, and does not recite that the user can select from multiple site templates. *See CollegeNet, Inc. v. ApplyYourself, Inc.*, 418 F.3d 1225, 1231 (Fed. Cir. 2005). Moreover, a site template must have been chosen at some point in order to place the data into a format, for example, in the “Chase the Trends Graphs.” The site administrator or coder who selected the site template is a user under a broadest reasonable interpretation. *See In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d at 1364.

The decision of the Examiner to reject claims 1-14 is AFFIRMED.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2007).

AFFIRMED

Appeal 2009-007114
Application 09/578,751

hh

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